

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

<b>PAM SMITH,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 1:15 CV 10</b>
	)	
<b>PHH MORTGAGE CORP., <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Defendant Nationwide Affinity Insurance Company moved to bifurcate Count II of plaintiff's complaint from Count I of plaintiff's complaint, and also requested a stay on all discovery on Count II until Count I is resolved. (DE # 25.) Pursuant to 28 U.S.C. § 636(b)(1)(B) & (C), FED. R. CIV. P. 72(b), and LOCAL RULE 72-1(b), the court referred this discovery-related motion to United States Magistrate Judge Susan L. Collins for a report and recommendation on the disposition of defendant's motion. (DE # 32.)

In the report and recommendation, Magistrate Judge Collins recommended that the court deny defendant's motion, but also recommended that defendant be allowed "to raise the bifurcation issue again after the close of discovery and ruling on dispositive motions if discovery reveals proof of actual prejudice that [defendant] will suffer." (DE # 33 at 10-11.) No objections to Magistrate Judge Collins's report and recommendation have been filed, and the time to file any objections has now passed. Fed. R. Civ. Pro. 72(b)(2). Therefore, the court accepts and adopts Magistrate Judge

Collins's report and recommendation and hereby orders that defendants' motion (DE # 25) be **DENIED**. Defendant is free to raise the bifurcation issue again as set out in the report and recommendation.

**SO ORDERED.**

Date: July 14, 2015

s/James T. Moody  
JUDGE JAMES T. MOODY  
UNITED STATES DISTRICT COURT